

FILED: August 1, 2016

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-9843
(4:95-cr-00041-H-1)

In re: LAMONT L. FLEMING, a/k/a Marty,

Movant.

O R D E R

Lamont L. Fleming has filed a motion under 28 U.S.C. §§ 2244, 2255(h) (2012) for authorization to file a second or successive 28 U.S.C. § 2255 (2012) motion based on Johnson v. United States, 135 S. Ct. 2551 (2015) (declaring residual clause of Armed Career Criminal Act unconstitutionally vague). See Welch v. United States, 136 S. Ct. 1257 (2016) (holding Johnson retroactively applicable to cases on collateral review). Our review of the relevant materials convinces us that Fleming fails to make the prima facie showing necessary to receive the requested authorization. See 28 U.S.C. § 2255(h); In re Hubbard, __ F.3d __, No. 15-276, 2016 WL 3181417, *2 (4th Cir. June 8, 2016); In re Vassell, 751 F.3d 267, 269-72 (4th Cir. 2014). Accordingly, we deny Fleming's motion for authorization.

Entered at the direction of the panel: Judge Wynn,
Judge Diaz, and Senior Judge Davis.

For the Court

/s/ Patricia S. Connor, Clerk